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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FELIX ENRRIQUE PALACIOS
SANCHES; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-74150

Agency Nos. A095-448-873
A095-448-872

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 13, 2009^{**}

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Felix Enrique Palacios Sanches and Maria De Lourdes Palacios, natives and
citizens of Mexico, petition pro se for review of the Board of Immigration Appeals'

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

denial of their motion to reopen, challenging the underlying denial of their application for cancellation of removal due to petitioners' failure to establish the requisite hardship to their qualifying relatives.

The evidence that petitioners presented with their motion to reopen concerned the same basic hardship grounds as their application for cancellation of removal. We therefore lack jurisdiction to review the BIA's discretionary determination that the evidence was insufficient to establish a prima facie case of hardship. *See Fernandez v. Gonzales*, 439 F.3d 592, 601-03 (9th Cir. 2006).

PETITION FOR REVIEW DISMISSED.